

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CACEY COLLEEN COX, and HUNTER
BROWN,

Plaintiffs,

vs.

SHANNON EBEL, LIZ KURZ, and
REBECCA HARLING,

Defendants.

8:22CV249

MEMORANDUM AND ORDER

Plaintiffs Cacey Colleen Cox (“Cox”) and Hunter Brown (“Brown”) (collectively “Plaintiffs”) filed their Complaint on July 11, 2022, [Filing No. 1](#), and upon initial review this Court gave Plaintiffs until September 30, 2022, to file an amended complaint that sufficiently describes their claims against the Defendants, [Filing No. 9](#). On August 3, 2022, Brown filed a new Complaint in Case No. 8:22CV278 against defendant Liz Kurz containing duplicative claims to the instant matter, *compare* [Filing No. 1](#), with Case No. 8:22CV278, [Filing No. 1](#), resulting in Case No. 8:22CV278’s dismissal on September 13, 2022, see Case No. 8:22CV278, [Filing No. 6](#). In the dismissal, this Court noted Brown’s ability to amend the Complaint in this case to incorporate the claims alleged and relief sought in Case No. 8:22CV278. *Id.* at CM/ECF p. 2.

On September 14, 2022, Plaintiffs filed an unsigned Amended Complaint dated September 10, 2022. [Filing No. 10](#). A text order was issued that same day notifying

Plaintiffs of the deficiency and allowing Plaintiffs 15 days to correct it. Filing No. 11 (text order).

As the Amended Complaint filed by the Plaintiffs was dated prior to this Court's dismissal of Case No. 8:22CV278, the Court grants Plaintiffs leave to amend their Amended Complaint, if they wish, to plead any allegations and/or claims previously alleged in Case No. 8:22CV278 and to correct the signature deficiency.

IT IS THEREFORE ORDERED:

1. Plaintiffs shall have until 30 days from the date of this Memorandum and Order to file a second amended complaint that clearly states a claim upon which relief may be granted against Defendants and includes any allegations and/or claims previously alleged in Case No. 8:22CV278 if they so wish. To be clear, Plaintiffs' second amended complaint must restate the relevant allegations of their Complaint, Filing No. 1, Amended Complaint, Filing No. 10, and any new allegations. Plaintiffs should be mindful to explain what each defendant did to them, when the defendant did it, and how the defendants' actions harmed them. Plaintiffs are warned that any second amended complaint they file will supersede, not supplement, their prior pleadings. Plaintiffs are encouraged to use the court-approved form to draft their second amended complaint, which the Clerk's Office will provide to them.

2. If Plaintiffs elect not to file a second amended complaint, but rather choose to proceed on their Amended Complaint dated September 10, 2022, Filing No. 10, then Plaintiffs must file a signed Amended Complaint in accordance with Federal Rule of Civil Procedure 11 and the court's Local Rules within 30 days from the date of this Memorandum and Order. If Plaintiffs fail to file a signed Amended Complaint or fail to file

a signed second amended complaint in accordance with this Memorandum and Order, their claims against Defendants will be dismissed without further notice.

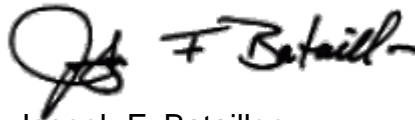
3. The Clerk's Office is directed to send to Plaintiffs a copy of the civil complaint form.

4. The Clerk's Office is directed to set a pro se case management deadline in this case using the following text: **October 14, 2022:** Check for amended complaint and signature.

5. Plaintiffs shall keep the Court informed of their current address at all times while this case is pending. Failure to do so may result in dismissal without further notice.

Dated this 15th day of September, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Judge